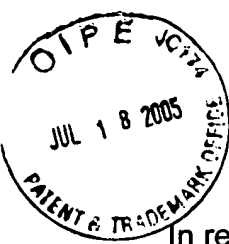


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1615 \$



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0656-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Véronique FERRARI et al.

Application No.: 09/685,577

Filed: October 11, 2000

For: COMPOSITIONS STRUCTURED  
WITH AT LEAST ONE POLYMER  
AND METHODS OF USING THE  
SAME

)  
)  
) Group Art Unit: 1615  
)  
) Examiner: J. VENKAT  
)  
) Confirmation No.: 5696  
)  
) **Allowed: May 16, 2005**  
)  
)  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Office the documents on the attached Form/SB/08. This Supplemental Information Disclosure Statement (SIDS) is being filed after the Notice of Allowance dated May 16, 2005. In compliance with the provisions of 37 C.F.R. § 1.97(d), this SIDS is accompanied by a fee of \$180 as specified by 37 C.F.R. § 1.17(p) and a certification as specified by 37 C.F.R. § 1.97(e)(2).

Based on reasonable inquiry, no document listed in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this Information Disclosure Statement

was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

Copies of the newly listed documents, excluding any U.S. Patents, U.S. Patent Application Publications, and any Office Actions for which J. VENKAT is listed as the Examiner, are attached. Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Further to the Notification of Pending Litigation filed on July 23, 2004, in this application, Applicants submit two additional documents from the on-going litigation *L'Oreal S.A., et al. v. Estee Lauder Companies Inc. et al.*, Civil Action No. 04-1660 (D.N.J.). The first document is Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005. The second document is a copy of Estee Lauder's Response to Estee Lauder's Response to Plaintiffs' Third Set of Interrogatories (Nos. 8-13). Both of these documents are enclosed with this Information Disclosure Statement and listed on the IDS Form PTO/SB/08.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the

substantive office actions filed in co-pending applications on the attached form. At the Examiner's request, Applicants have not included copies of the office actions from co-pending applications issued by the Examiner of this application.

### **Non-English Language References**

With respect to the following non-English language documents listed on the attached Form PTO/SB/08, Applicants provide the following information regarding English-language abstracts and translations:

**WO 98/25922** - An abstract of this document can be found on the front of this document, as well as the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,361,764 and U.S. Application Publication No. US 2002/0010179 A1, which are listed herewith.

### **Conclusion**

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the listed documents as prior art against any claims in the application and Applicants determine that the cited document do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

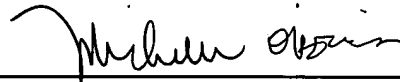
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

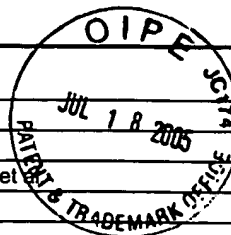
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 18, 2005

By:   
Michelle E. O'Brien  
Reg. No. 46,203

IDS Form PTO/SB/08; Substitute for form 1449A/PTO  <div style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></div> <div style="text-align: center;"><i>(Use as many sheets as necessary)</i></div>				<div style="text-align: right;"><b>Complete if Known</b></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/685,577</td> </tr> <tr> <td>Filing Date</td> <td>October 11, 2000</td> </tr> <tr> <td>First Named Inventor</td> <td>Veronique FERRARI et al.</td> </tr> <tr> <td>Art Unit</td> <td>1615</td> </tr> <tr> <td>Examiner Name</td> <td>J. Venkat</td> </tr> <tr> <td>Attorney Docket Number</td> <td>05725.0656-01000</td> </tr> </table>		Application Number	09/685,577	Filing Date	October 11, 2000	First Named Inventor	Veronique FERRARI et al.	Art Unit	1615	Examiner Name	J. Venkat	Attorney Docket Number	05725.0656-01000
Application Number	09/685,577																
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Attorney Docket Number	05725.0656-01000																
Sheet	1	of	2														



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		4,148,875	4/10/1979	Barnett et al.	
		4,822,601	4/18/1989	Goode et al.	
		5,290,555	3/1/1994	Guthauser et al.	
		5,605,651	2/25/1997	Balzer	
		5,702,519	12/30/1997	Nitta et al.	
		5,993,787	11/30/1999	Sun et al.	
		6,214,326	4/10/2001	Dupuis	
		6,361,764	3/26/2002	Richard et al.	
		6,428,773 B1	8/6/2002	Oko et al.	
		6,447,759 B2	9/10/2002	Noguchi et al.	
		6,506,716	1/14/2003	Delplancke et al.	
		6,761,881 B2	7/13/2004	Bara	
		6,875,245 B2	4/5/2005	Pavlin, Mark S.	
		2002/010179	1/24/2002	Richard et al.	

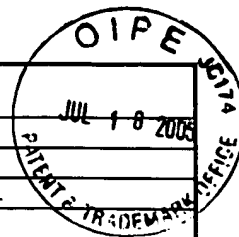
FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code Number Kind Code (if known)			Translation
		WO 05/013887 A2	2/17/2005	Xiang Shao Lu et al	English
		WO 98/25922	6/18/1998	Herve Richard et al.	English Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		English language DERWENT abstract of WO 98/25922	
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	

Examiner Signature	Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08; Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	09/685,577
				Filing Date	October 11, 2000
				First Named Inventor	Veronique FERRARI et al.
				Art Unit	1615
				Examiner Name	J. Venkat
Sheet	2	of	2	Attorney Docket Number	05725.0656-01000



NON PATENT LITERATURE DOCUMENTS			
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated April 25, 2005 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated May 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00), dated June 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated April 29, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated June 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated April 22, 2005 (Ex. Berko)	
		Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00), dated May 13, 2005 (Ex. Punnose)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05715.1187) dated April 18, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,896, (Attorney Docket No. 05725.0806) dated July 13, 2005 (Ex. Nutter)	
		Richard J. Lewis, Sr., "Ricinoleic Acid," Hawley's Condensed Chemical Dictionary 972 (13th. 1997)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.